

11-1986

1985-86 Legislative Summary

Assembly Committee on Agriculture

Follow this and additional works at: http://digitalcommons.law.ggu.edu/caldocs_assembly



Part of the [Legislation Commons](#)

Recommended Citation

Assembly Committee on Agriculture, "1985-86 Legislative Summary" (1986). *California Assembly*. Paper 416.
http://digitalcommons.law.ggu.edu/caldocs_assembly/416

This Committee Report is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Assembly by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

CALIFORNIA LEGISLATURE

ASSEMBLY COMMITTEE ON AGRICULTURE

NORMAN S. WATERS
CHAIRMAN

1985-86 LEGISLATIVE SUMMARY



MEMBERS

Norman S. Waters, Chairman
Wally Herger, Vice Chairman

Bill Jones
Alister McAlister
Eric Seastrand
Larry Stirling
Frank Vicencia

Cathie Wright

November 1986

0135-A

KFC
385

.A2447 Areias
1985-86 Bronzan
Clute
Condit
Duffy

MEMBERS

Norman S. Waters
Chairman
Wally Herger
Vice Chairman
Rusty Areias
Bruce Bronzan
Steve Clute
Gary A. Condit
Jean M. Duffy
Bill Jones
Alistair McAlister
Eric Seastrand
Larry Stirling
Frank Vicencia
Cathie Wright

KFL
385.A8
C34

Assembly California Legislature

Assembly Committee

on

Agriculture

CHAIRMAN

NORMAN S. WATERS
ASSEMBLYMAN, SEVENTH DISTRICT

STAFF

Mike Falasco
Consultant
Susan Reed
Consultant
Jan Yockey
Secretary

State Capitol
Sacramento, California 95814
(916) 445-1918

Dear Friend:

The following legislative summary briefly describes each bill reviewed by the Assembly Committee on Agriculture during the 1985-86 Legislative Session. As you will note, many important issues affecting agriculture were addressed by the Committee.

Some of the major legislative issues debated include:

- Comprehensive pesticide groundwater management (AB 2021).
- Watermelon recall liability (AB 1511) and out-of-pocket reimbursement (AB 2775).
- Overhauling the state's milk plant inspection program in the wake of the Jalisco cheese tragedy (SB 859).
- Extending the requirements for mandatory field posting (SB 269).
- Establishing separate winegrape grower and vintner research and promotion commissions (AB 4262) and a joint grower/vintner commission (SB 2048).
- Stiffer criminal penalties for pesticide use violations (AB 1026).
- Funding and legislative oversight of Cal-Expo (AB 1376 and AB 4022).
- Expediting court challenges to pest eradication programs (AB 1525).
- Balancing the playing field by requiring food and wine imports to meet existing health and safety standards (AB 2976 and SB 2160) and minimum quality standards (SB 2134).

You should note that bills described herein are summarized in their final version at the time the Legislature adjourned. If you need more specific information on any bill, please feel free to contact either the author or my office at (916) 445-1918.

Sincerely,



NORM WATERS, Chairman
Assembly Agriculture Committee

LAW LIBRARY
GOLDEN GATE UNIVERSITY

NW:jy

LAW LIBRARY

GOLDEN GATE UNIVERSITY

California Legislature

ASSEMBLY COMMITTEE

ON

AGRICULTURE

Norman S. Waters
Chairman

1985-86 LEGISLATIVE SUMMARY

Members

Norman S. Waters, Chairman
Wally Herger, Vice Chairman

Rusty Areias
Bruce Bronzan
Steve Clute
Gary A. Condit
Jean M. Duffy

Cathie Wright

Bill Jones
Alistair McAlister
Eric Seastrand
Larry Stirling
Frank Vicencia

November 1986

86-11-133

TABLE OF CONTENTS
ASSEMBLY COMMITTEE ON AGRICULTURE
1985-86 LEGISLATIVE SUMMARY

I. DAIRY.....	1
II. FAIRS.....	9
III. GENERAL.....	15
IV. LIVESTOCK.....	31
V. MARKET ENFORCEMENT.....	34
VI. MARKETING.....	37
VII. PEST ERADICATION AND CONTROL.....	44
VIII. PESTICIDE-RELATED PENALTIES.....	48
IX. PESTICIDES AND HEALTH MONITORING....	51
X. NUMERICAL INDEX OF BILLS.....	59

ASSEMBLY COMMITTEE ON AGRICULTURE
1985-86 LEGISLATIVE SUMMARY

I. DAIRY

- o AB 273 (Jones) provides manufacturing milk producers with protection when processors suffer financial difficulty by requiring processors to carry sufficient surety bonding. Furthermore, the Director of the California Department of Food and Agriculture (CDFA) is authorized to suspend, revoke or refuse to license a manufacturing milk processor if he does not possess a surety bond.

CHAPTER 446, STATUTES OF 1985.

- o AB 301 (Kelley) would have voided the existing pool plan for market milk. The CDFA Director would have been mandated to substitute two milk pooling plans for the purpose of allocating milk revenues to dairymen.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o AB 422 (N. Waters) removes obsolete language requiring the unnecessary expense of holding public hearings for temporary manufacturing milk products standards. (Other more current law has applicable "sunshine" requirements.) Additionally,

this bill extends the statutory restrictions on margarine to two new products, "dairy spread" and "spread".

CHAPTER 512, STATUTES OF 1985.

- o **AB 1063 (Bader)** requires CDFA to establish construction plan review fees to recover its direct administrative costs for performing sanitary design construction plant inspections. These fees apply to milk processing plants, dairy barns and retail ice cream and yogurt parlors.

CHAPTER 627, STATUTES OF 1985.

- o **AB 1116 (Condit)** mandates that the CDFA Director's top priority in his milk marketing plan shall be to encourage the availability of market milk for principally fluid milk, yogurt, buttermilk, sour cream, cream and cottage cheese uses. This bill codifies what is the director's current practice to order market milk in temporary short supply to be assigned to a bottling plant.

CHAPTER 343, STATUTES OF 1985.

- o **AB 2047 (Eaves)** would have established stiffer labeling requirements on imitation milk products. This bill would have required: (1) imitation milk products to be prominently labeled as such and (2) the label to state the nutritional difference between the imitation and the natural milk product. CDFA would have been given the "enforcement teeth" to revoke or suspend a manufacturer's license for failure to properly

label imitation milk products. Lastly, AB 2047 would have mandated that these nondairy products be clearly listed on restaurant menus.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 2582 (Mountjoy)** would have required CDFA to adopt regulations governing the production, processing, and contents of raw market milk intended for pasteurization. These regulations would have had to conform to those in place for "certified" raw milk.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 2676 (Jones)** affords manufacturing milk producers the same contract protections currently enjoyed by market milk producers. In addition to existing law's requirement that such contracts include the price paid for the milk, AB 2676 specifies that such contracts also provide for the processor's transportation charges. CDFA is given the "hammer" to refuse or revoke a processor's license for failure to comply with these contract requirements.

CHAPTER 227, STATUTES OF 1986.

- o **AB 3097 (Jones)** adds a standard for sterilized flavored lowfat milk, specifying both the minimum milkfat and milk solids-not-fat percentages in this product. The bill's purpose is to conform to current federal standards, so that the manufacturer's chocolate-flavored hermetically sealed,

sterilized lowfat milk can move interstate without having to change labels.

CHAPTER 206, STATUTES OF 1986.

- o **AB 3105 (Bader)** is remedial action in the wake of the contaminated Jalisco cheese epidemic which identified post-pasteurization contamination as a potential source of the tragedy. This bill replaces the requirement that homogenized milk be bottled in the plant where it was pasteurized with the requirement that all market and manufacturing milk and milk products be pasteurized at the processing and packaging plant, unless exempted.

CHAPTER 338, STATUTES OF 1986.

- o **AB 3182 (N. Waters)** streamlines CDFA's new temporary dairy products rulemaking process to ease the bureaucratic hurdles for the test marketing of new products in California. CDFA is authorized to issue temporary one-year permits which could be extended for up to two more one-year periods. The bill also sets up guidelines for the rulemaking hearing process.

CHAPTER 438, STATUTES OF 1986.

- o **AB 4324 (N. Waters)** authorizes CDFA to establish temporary standards for two new dairy products, one "fromage frais" which is similar to yogurt and the second a light ice cream product. The bill also includes statutory language declaratory of existing department policy which permits it

to revoke or suspend a milk pasteurizer's license, such as for violations committed in the contaminated Jalisco cheese recall.

CHAPTER 800, STATUTES OF 1986.

- o **AB 4414 (Connelly)** would have prohibited the sale of any raw fluid milk or milk product unless a warning label is displayed on the container. Violations of this requirement would have been a misdemeanor.

DEFEATED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **SB 114 (Ayala)** repeals the \$5,000 cap on the surety bond required for all manufacturing milk handlers and in its place provides a sliding scale, ranging from \$5,000 to \$20,000, for these bonds required for both manufacturing and market milk handlers. Also, CDFA is required to prepare a report by July 1, 1986 on the effectiveness of this law and recommendations on how to strengthen milk producer security protection.

CHAPTER 889, STATUTES OF 1985.

- o **SB 151 (Stiern)** repeals the CDFA Director's discretionary power to designate the inspection of market milk processing plants to cities and counties and mandates CDFA to inspect these facilities. It also provides that the director can terminate the county-approved dairy farm inspection program if he receives a petition signed by at least 51% of the affected

producers. Lastly, this legislation requires the inspection fees for distributors and, where applicable, market milk producers and dairy farms to cover the department's direct costs within specified limits.

CHAPTER 445, STATUTES OF 1985.

- o **SB 859 (Torres)** is in response to the horrible tragedy caused by contaminated soft, fresh Mexican-style cheese, which was responsible for at least 50 known deaths. This legislation "overhauls" CDFA's milk products plant inspection program. Specifically, it requires CDFA to conduct quarterly in-depth plant inspections, undertake physical exams of dairy farm or milk plant employees when a worker is suspected of carrying a milk-borne disease, and consult with the Department of Health Services (DHS) prior to condemning milk or milk products. DHS is to develop a list of reportable diseases transmitted by food products, as specified, which includes salmonellosis and listeriosis. Operators of milk products plants are mandated to maintain daily pasteurization records for no less than one year, make these records available to all state/local health officials and CDFA, and are prohibited from interfering with a CDFA inspector in the course of his duties. Lastly, this bill provides for felony penalties for intentionally committed illegal acts as enumerated.

CHAPTER 1166, STATUTES OF 1985.

- o **SB 1544 (Ayalá)** extends the sunset clause until 1/1/89 that authorizes the terms "sterilization" and "sterilized" to be used to describe milk and milk products processed under conditions equivalent to the hermetically sealed packaging. Also, this bill repeals the restriction that margarine sold retail cannot be packaged in containers larger than 1 pound.

CHAPTER 142, STATUTES OF 1986.

- o **SB 1594 (McCorquodale)** raises the per diem from \$25 to \$100/day for marketing order advisory board members. (By comparison, recent changes have increased agricultural commission members' per diem to \$100/day.)

CHAPTER 395, STATUTES OF 1986.

- o **SB 1665 (Stiern)** conforms California's yogurt standards with those of the federal government so our yogurt manufacturers can compete in interstate commerce by using a single container for packaging and distribution. Specifically, this bill allows the addition of nutritive carbohydrate sweeteners and color additives to yogurt and introduces enzymes converting lactose to glucose or galactose to dairy products. SB 1665 requires such additions to appear on the product's ingredient labeling.

CHAPTER 610, STATUTES OF 1986.

- o **SB 1964 (Bergeson)** prescribes the content, labeling and nutritional requirements for "high nutrient lowfat milk" with

the trademark name Vital 15. This provision sunsets on 7/1/88.

CHAPTER 878, STATUTES OF 1986.

- o **SB 2239 (Vuich)** appropriates \$200,000 to CDFA for allocation to the Trustees of Cal Poly at San Luis Obispo to create a Dairy Products Technology Center. The disbursement of the state funds are conditioned on nonstate matching funds being received by Cal Poly in this fiscal year.

CHAPTER 1514, STATUTES OF 1986.

II. FAIRS

- o **AB 205 (Peace)** would have relieved the 45th District Agricultural Association (Imperial County Fair) of its requirement to repay interest on a loan from the California Department of Food and Agriculture (CDFA) that was made to develop a thoroughbred racing facility at the fair. This bill further would have extended repayment of the loan's principal without interest charges for five more years.

DEFEATED IN THE SENATE APPROPRIATIONS COMMITTEE.

- o **AB 1376 (N. Waters)** would have created the Cal-Expo Enterprise Fund in the State Treasury and would have continuously appropriated all monies in this fund for expenditure regardless of the fiscal year. It would have appropriated \$1,784,000 from the General Fund to the newly created Enterprise Fund for expenditure in the second half of the 1985-86 fiscal year. Additionally, this measure would have required the Department of Finance to transfer any excess revenue acquired by the California Exposition and State Fair (Cal-Expo) between July 1, 1985 through December 31, 1985 to the Enterprise Fund. AB 1376 would have appropriated \$70,000 from the transferred funds to study the feasibility of an equestrian center at the facility and would have required Cal-Expo to conduct a study on the feasibility of reinstating the county exhibit program at the State Fair and report to the Legislature on their findings. As specified, the Legislative

Analyst and the Department of Finance would have been required to analyze Cal-Expo's budget and report to the Legislature. The appropriate Assembly and Senate policy committees would have been given the direction to jointly hold an annual hearing to review Cal-Expo's operation.

This measure would have provided for four additional appointments to the Cal-Expo Board. The Speaker of the Assembly and the Senate Rules Committee would each have had two appointments who were to represent the diverse socio-economic backgrounds of the general population. Additionally, AB 1376 would have required the board to submit to the Legislature any lease proposal in excess of 20 years or more, except for the Bushy Lake Reserve. The Legislature would have been provided 60 days to adopt a Concurrent Resolution opposing any lease proposal in excess of 20 years. If the Legislature did not act, the board could proceed with the proposal.

VETOED BY THE GOVERNOR.

- o **AB 1890 (N. Waters)** would have appropriated \$2 million from the General Fund to the Fairs and Expositions Fund, in the form of a loan, to be repaid by the Federal offshore revenues, the so-called 8(g) funds, when they were to become available. These funds were to be used to fund health and safety projects at county, district and fruit fairs. Additionally, this

measure would have codified the authority of these fairs to expend budgeted funds for promotional activities.

VETOED BY THE GOVERNOR.

- o **AB 2581 (N. Waters)** appropriates \$800,000 for half-year funding for Cal-Expo's operations. The bill also makes a number of reforms designed to spur economic self-sufficiency and more accountability: (1) creates the Cal-Expo Enterprise Fund to collect excess revenues, (2) requires Cal-Expo's board of directors to submit any long-term lease proposals for legislative review, (3) changes the board's makeup by reducing two gubernatorial appointments and adding two legislative appointments, and (4) mandates the independent Legislative Auditor General to audit the agency's books for the next 5 years.

CHAPTER 8, STATUTES OF 1985.

- o **AB 4022 (N. Waters)** prioritizes the use of satellite wagering revenues collected at fairs for public health and safety and maintenance projects at these facilities. The Legislative Analyst has criticized CDFA for spending money on new capital outlay projects at fairs while existing structures are in disrepair. Additionally, this bill -- as a cost-saving measure -- creates a self-insurance program for Cal-Expo, state-supported local fairs, and county fairs to be administered by the Department of General Services (DGS).

AB 4022 also provides any state agency with the power to operate a self-insurance program to be managed by DGS.

CHAPTER 1018, STATUTES OF 1986.

- o **AB 4024 (N. Waters)** reforms CDFA's method of allocating funds for public health and safety improvements and long-term maintenance projects at local fairs by initially requiring the agency to develop a project repair schedule. This bill mandates CDFA to develop a 3-year schedule of repair projects for the Legislature, commencing on 7/1/87, which would be thereafter annually updated.

CHAPTER 450, STATUTES OF 1986.

- o **AB 4255 (Duffy)** would have subjected the outdoor amphitheater located at the Orange County Fair to the residential noise control ordinance of the City of Costa Mesa. An exception would have been made for those activities conducted while the fair is running.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AJR 49 (Bader)** would have urged the Economic Development Administration of the U.S. Department of Commerce to act favorably on the application of the Los Angeles County Fair Association for federal funding for a renovation and reconstruction program at the Los Angeles County Fairgrounds.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o SB 207 (L. Greene) appropriates \$2.2 million to the Controller for Cal-Expo's accrued debt through fiscal year 1984-85. Additionally, the bill requires Cal-Expo's general manager to report to the Legislature on the status of the negotiations with Sacramento County regarding the Bushy Lake Reserve.

CHAPTER 62, STATUTES OF 1985.

- o SB 647 (L. Greene) would have appropriated \$800,000 from the General Fund to Cal-Expo to operate the facility through the existing 1985-86 fiscal year, ending 6/30/86. It would have transferred all operating revenues received by Cal-Expo into a new Enterprise Fund from 7/1/85 through 12/31/85 in excess of \$6,868,000. The bill would have reduced the Governor's appointments to the Board from 11 to 9 members and authorized the Speaker and the Senate Rules Committee to each make one appointment. SB 647 would have required Cal-Expo to study the feasibility of an on-site equestrian center and reinstating the counties' exhibit program. The Board would have had to submit long-term lease proposals to the Legislature. Lastly, the Auditor General was to annually review Cal-Expo's fiscal status for the succeeding 5 years.

DIED ON THE ASSEMBLY FLOOR.

- o SB 1864 (Roberti) would have expanded the membership on the 6th District Agricultural Association, commonly referred to as the California Museum of Science and Industry, by adding one legislator representing the Museum's portion of Los Angeles

County from each house. Additionally, these two members would have automatically been added as ex-officio nonvoting members on the Los Angeles Memorial Coliseum Commission.

VETOED BY THE GOVERNOR.

- o **SB 2001 (Robbins)** would have appropriated \$10,000 from the General Fund to the California Film Office to expand its location research library.

DIED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

III. GENERAL

- o **AB 226 (Condit)** allows processing plants that handle domestic game birds, such as squab, quail and other "specialty" fowl, to use a laborsaving label on packaged processed fowl instead of affixing a tab on each bird. This bill applies to processors licensed by the Department of Fish and Game and whose plants operate in accordance with California Department of Food and Agriculture (CDFA) regulations.

CHAPTER 65, STATUTES OF 1986.

- o **AB 427 (Seastrand)** prescribes a specific system for abating celery grown in violation of an agricultural pest host-free period. The bill repeals obsolete language establishing black currant abatement procedures and requiring the Governor to approve quarantine regulations. This bill also authorizes CDFA to adopt regulations in lieu of issuing a proclamation for pest eradication efforts.

CHAPTER 721, STATUTES OF 1985.

- o **AB 491 (Duffy)** revises the Animal Health Technician Examining Committee within CDFA, by decreasing the number of public members to two, and increasing the number of animal health technician members to three. Additionally, the measure requires the committee to assist the Board of Examiners of Veterinary Medicine in the inspection and approval of all

schools or institutions offering a curriculum for training animal health technicians.

CHAPTER 431, STATUTES OF 1985.

- o **AB 585 (Kelley)** provides out-of-state agricultural pest control advisors with the option of registering in the county of their "occupational choice". The county agricultural commissioners are authorized to assess these individuals annual fees to work in their counties. The bill further prohibits an advisor to conduct business unless he has registered with the commissioner.

CHAPTER 95, STATUTES OF 1985.

- o **AB 754 (Mojonnier)** has a twofold purpose. First, it defines a "horticultural product". Second, the bill clarifies that the wholesale growing of nursery stock is a farming activity.

CHAPTER 380, STATUTES OF 1985.

- o **AB 872 (Costa)** would have changed the annual allocation of the General Fund in support of programs jointly administered by CDFA and the county agricultural commissioners. This bill would have required CDFA to yearly allocate to the counties 1/3 of the seed, nursery, and apiary inspection program costs. The department's support level would have been triggered by the counties' and individual industry's contributions for each

inspection program's expenditure levels based on the 1984-85 fiscal year.

DIED IN THE SENATE APPROPRIATIONS COMMITTEE.

- o **AB 1010 (N. Waters)** requires proof-of-ownership from everyone selling, buying or transporting over 200 pounds of raw farm products. This is to deter farm product thefts, which have mushroomed into a multi-million-dollar crime wave. AB 1010 authorizes peace officers upon "probable cause" to stop suspicious vehicles and turn the loads over to the agricultural commissioners for disposition. Unprocessed crops transported from the field to the commercial processing plant are exempt.

CHAPTER 661, STATUTES OF 1986.

- o **AB 1107 (Campbell)** would have made it unlawful to sell or import exotic or noxious weeds in CDFA-designated counties where abatement activities are ongoing. "Exotic weeds" are troublesome, non-native plants -- often brought in as ornamentals -- which crowd out native varieties and are harmful to agriculture, forestry, and the environment. AB 1107 would have mandated CDFA to determine boundaries for noxious or exotic weed free zones and imposed penalties, both civil and criminal, for offenses.

VETOED BY THE GOVERNOR.

- o **AB 1511 (N. Waters)** establishes the state's liability to farmers, brokers, wholesalers, and grocers who suffered economic losses as a result of the Department of Health Services' 1985 July 4th Weekend recall of contaminated watermelons. CDFA is required to certify to the Board of Control that the watermelons for which claims are submitted are free of illegally applied pesticides; the potential claims are limited to the F.O.B. price, preharvest costs, and the average market value. The Board of Control shall consider and then approve or reject all claims.

CHAPTER 1265, STATUTES OF 1985.

- o **AB 1512 (N. Waters)** would have established misdemeanor crimes, punishable by a fine not to exceed \$500, for the theft of farm, oil field, logging, or construction equipment. The bill would have further required written proof-of-ownership at the time of sale for these specified types of equipment.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 1594 (N. Waters)** exempts all produce markets in Los Angeles County from statutory provisions regarding the unionized unloading of farm products. (The Director of Industrial Relations continues to regulate registered unloaders in produce markets located in Alameda, San Mateo, and San Francisco counties.)

CHAPTER 191, STATUTES OF 1986.

- o **AB 1627 (N. Waters)** would have authorized CDFA to include the California Highway Patrol in the approval process for requests relating to access to weighmasters' certificates. (Starting January 1, 1984, CDFA is empowered to make these records available to the district attorneys upon their request.)

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 1630 (Farr)** would have made it illegal to not clearly label foreign-grown raw fruit, nuts or vegetables on the grocery shelves. A violation of this bill would have been punishable by a civil penalty of up to \$500. AB 1630 would have also required CDFA to prepare a report by January 1, 1988 on the status of the legislation's implementation.

DEFEATED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

- o **AB 2493 (Costa)** expands the CDFA Director's authority over direct marketing to include beef, lamb, pork, poultry and poultry products, honey, and wine. It codifies the director's authority to adopt regulations for products' quality and wholesomeness and qualifications for sellers and sales outlets, taking into consideration any adverse effects they may have on orderly marketing, producers, wholesalers, retailers, and consumers. Additionally, this measure allows direct marketing outlets to establish rules and procedures, consistent with state law, and allow for an appeal process to the director in grievance cases. AB 2493 states the Legislature's intent to encourage direct marketing in this

state and that the director shall establish an ad hoc advisory committee to advise him on direct marketing regulations.

CHAPTER 969, STATUTES OF 1985.

- o **AB 2495 (Costa)** would have established the California State Agricultural Museum as the official state farm museum and to be part of the Department of Parks and Recreation's system. The museum would have been permanently located in the Fresno area. AB 2495 would have specified the museum's functions and created a 9-member board of trustees. The trustees would have had to come from various major farm industries and geographical areas. The Governor was to make the majority of the appointments and the remaining trustees were to be evenly divided up between the Speaker of the Assembly and the Senate Rules Committee.

DIED IN THE SENATE APPROPRIATIONS COMMITTEE.

- o **AB 2572 (N. Waters)** re-establishes a 5% cap on the administrative overhead that CDFA can charge to commodity programs that pay into the Food and Agriculture Fund. The bill clarifies that CDFA can assess commodity programs for only those costs for which direct benefits are derived. AB 2572 will provide annual savings ranging from \$400,000 to \$700,00 to Ag Fund programs.

CHAPTER 464, STATUTES OF 1986.

- o **AB 2775 (N. Waters)** appropriates \$6.2 million to reimburse innocent farmers, wholesalers, brokers, and grocers for their out-of-pocket costs following the State's recall of their pesticide-free watermelons. AB 2775 requires the Controller to provide a list of settlement payments be provided the Franchise Tax Board and clarifies that the State retains all subrogation rights on paid claims.

CHAPTER 1294, STATUTES OF 1986.

- o **AB 3098 (Jones)** raises the maximum assessment from \$.20 to \$.40 per \$100 gross annual dollar volume collected from agricultural or vegetable seed labelers. Currently, the counties are subvented 30% or \$65,000, whichever is greater, for their seed enforcement costs. AB 3098 increases the subvention to a maximum \$120,000 through 7/1/89. This program is to ensure the high quality of seed sold in California.

CHAPTER 743, STATUTES OF 1986.

- o **AB 3435 (N. Waters)**, in the wake of last summer's Africanized bee infestation in Kern County, authorizes the sum of \$100,000 to be expended by CDFA for Africanized bee research for the balance of this fiscal year. \$50,000 of these funds are yearly mandated to come from agricultural industry sources, including nearly \$20,000 from increased beekeepers' assessments. It is legislative intent that up to a total of

\$150,000 of industry and General Fund monies are to be annually appropriated for this research through 1991-92 fiscal year.

ITEM VETO BY DELETING THE \$50,000 GENERAL FUND APPROPRIATION AND ANY SUBSEQUENT FUND MONIES. CHAPTER 1475, STATUTES OF 1986.

- o **AB 3530 (N. Waters)** would have required, if requested by an agricultural chemical or seed dealer with the farmer's consent, a financial institution to furnish these dealers with a letter-of-commitment for the retail cost of the farm product supplied to the farmer. The bill spelled out the information that would have had to be included in the letter-of-commitment. **DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE. (SUBJECT MATTER REFERRED FOR INTERIM STUDY.)**

- o **AB 3548 (Kelley)** would have permitted CDFA to conduct the third phase of a pesticide training program for cropdusters. The project's specifics would have included the effectiveness of their existing training, incorporation of new governmental pesticide use standards and coordination with private sector efforts. **DIED IN THE SENATE AGRICULTURE AND WATER RESOURCES COMMITTEE.**

- o **AB 3591 (Jones)** would have appropriated \$10 million from the General Fund to CDFA for a low-interest loan program for farmers to convert their electrical pumps. The bill's impetus

is that agricultural energy rates have skyrocketed over 200% in the last decade.

DIED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

- o **AB 3664 (Seastrand)** would have required all renderable materials, except kitchen grease, which are generated at grocery stores to be hauled by a licensed renderer or delivered by the store's transporter to a licensed rendering plant. Rendering is the process of converting slaughterhouse waste, dead animal carcasses and kitchen grease into industrial fats and oils inedible for human consumption.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 4031 (Condit)** would have extended the protections afforded new automobile dealer franchisees to agricultural equipment dealers. Farm equipment dealers and manufacturers would have had to register with the New Motor Vehicle Board.

DEFEATED IN THE ASSEMBLY FINANCE AND INSURANCE COMMITTEE.

- o **AB 4068 (Areias)** would have created an interest deferral program for farmers. Under the program, CDFA would have loaned farmers up to 50% of the interest on their loans but no more than \$100,000. The loans would have had to be repaid in equal installments over a 10-year period.

DIED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

- o **AB 4213 (Filante)** expands from 25 to 100 persons the number of veterinarians and animal health technicians who can participate in a drug abuse diversion program. The bill further mandates a status report on the program to the Legislature by 3/1/89.

CHAPTER 776, STATUTES OF 1986.

- o **AB 4215 (W. Brown)** would have enacted the Farm Credit Bond Act of 1986 because the current economic problems facing California farmers threaten the well-being of the entire state. The bill would have authorized government obligation bonds to be issued by a finance committee, composed of the Governor, Controller, Treasurer, Director of Finance, and CDFA's Director. Prior to its implementation, this bond measure would have had to be submitted to the voters for approval.

DIED IN THE ASSEMBLY PUBLIC INVESTMENT, FINANCE, AND BONDED INDEBTEDNESS COMMITTEE.

- o **AB 4261 (W. Brown)** would have created an 11-member California Farm Recovery Advisory Commission to prepare a report on the state of California's farm economy by 1/1/87. Additionally, the bill would have established a 3-member California Farm Recovery Finance Authority (CFRFA). CFRFA was to sell \$100 million worth of revenue bonds to finance a loan program for eligible farmers after the Legislature had 90 days to review

the commission's findings. AB 4261 specified the eligibility criteria for a potential borrower and imposed loan limitations.
DEFEATED ON THE ASSEMBLY FLOOR.

AB 4285 (Kelley) would have further clarified that all the industry money deposited in the Food and Ag Fund is exempt from the normal budgetary controls and continues to be continuously appropriated without regard to fiscal years. The monies in the Fund come from about 30 different industry groups for the department's costs to manage their self-regulatory programs.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **ACR 10 (Condit)** proclaimed the week of March 17 through March 23, 1985 as National Agriculture Week and March 20, 1985 as Agriculture Day. This measure recognizes the importance of the agricultural industry to this state with an emphasis on those people, such as farmers, farm workers and youth, who are an integral part of this state's food production.

RESOLUTIONS CHAPTER 13, STATUTES OF 1985.

- o **AJR 19 (N. Waters)** would have requested the President and the Congress to maintain the U.S. Department of Agriculture's (USDA) Soil Conservation Service's technical and financial operations. (The Reagan Administration had proposed a 2/3 reduction in the Soil Conservation Service's (SCS) budget and

eliminate or substantially reduce the majority of its programs in the 1985-86 fiscal year. Congress restored SCS's funds.)

DIED IN THE ASSEMBLY RULES COMMITTEE.

- o **AJR 90 (Condit)** congratulates Mr. Richard E. Lyng on his confirmation as the USDA Secretary. This is the first time that California, the richest agricultural state, has someone serving as the head of USDA.

RESOLUTION CHAPTER 62, STATUTES OF 1986.

- o **SB 464 (Vuich)** repeals the old sliding fee scale for the bee inspection and control assessment program due to go into effect January 1, 1987 and instead extends the maximum 35¢ per colony assessment until January 1, 1989. Additionally, this bill states that when the abatement procedure for American foulbrood disease is by burning, an apiary inspector must supervise the burning of the diseased bee hives.

CHAPTER 258, STATUTES OF 1985.

- o **SB 780 (Stiern)** authorizes the Board of Examiners of Veterinary Medicine to increase the maximum renewal of registration of an animal health technician from \$25 to \$50 and increases the examination fees from \$100 to \$150. The measure also establishes a license renewal cycle for

technicians and veterinarians based on the licensee's birthday month rather than biennially.

CHAPTER 612, STATUTES OF 1985.

- o **SB 872 (Petrís)** enacts the "Sustainable Agriculture Research and Education Act of 1986." The bill defines sustainable agriculture as organic methods, biological control, and integrated pest management. This program would be located within the University of California (UC) system. The program's features include: making competitive research grants, giving instruction and field-level demonstrations, and managing UC farmlands. Individuals affiliated with public and private educational institutions and nonprofit tax-exempt organizations are expressly eligible for the competitive grants. The UC President is directed to appoint a Program Advisory Committee, a majority of which are to be agriculturalists, and a Technical Advisory Committee, composed of both University and other outside experts. The Program Advisory Committee is responsible for reviewing the priority of grant applications and the Technical Advisory Committee's principle task is to analyze the applications for their scientific merit. Lastly, SB 872 states that UC is to use existing available funds to run this program.

CHAPTER 1188, STATUTES OF 1986.

- o **SB 1244 (Stiern)** gives the Board of Examiners in Veterinary Medicine another enforcement tool, the ability to issue a

citation and assess a civil penalty. The bill mandates the Board to develop regulations concerning the levying of civil penalties based on the consideration of specified factors. Cited veterinarians have "due process" administrative hearing rights and the Board has the authority to request the court's assistance to enforce its disciplinary ruling.

CHAPTER 240, STATUTES OF 1986.

- o **SB 2044 (Vuich)** extends the sunset until 1/1/89 for the authority of an apiary inspector to enter any premises and look for diseased bee hives. This inspection authority allows CDFA and the county agricultural commissioners to identify and control the American foulbrood disease.

CHAPTER 457, STATUTES OF 1986.

- o **SB 2110 (McCorquodale)** makes two changes. One, it exempts ready-to-eat food, like McDonalds' McNuggets, from having the net weight marked on the package. Fast foods sold at restaurants, delicatessens, and grocery stores are already exempt. Second, SB 2110 appropriates \$180,000 to CDFA to maintain ongoing research to find alternatives to ethylene dibromide (EDB). Previously enacted legislation set aside \$550,000 in seed money to initiate this research to find suitable alternatives to EDB, which has been a critical

postharvest fumigation treatment for billions of dollars worth of farm products.

ITEM VETO BY DELETING \$180,000 APPROPRIATION.

CHAPTER 1516, STATUTES OF 1986.

- o **SB 2357 (McCorquodale)** addresses the problem small and medium-sized farm marketing organizations have gathering analytical information necessary to file 301 and 302 General Agreement on Trade and Tariff cases; California citrus, walnuts, tomatoes, wheat, cling peaches, and wine are increasingly facing unfair trade barriers being raised by the European Economic Community, in particular. The bill authorizes CDFA to put together this trade-related data and to establish a fee schedule to recover its administrative costs.

CHAPTER 1358, STATUTES OF 1986.

- o **SB 2416 (Garamendi)** broadens the scope of the state's Thurman Agricultural Policy Act. It adds to the Act's findings the following declarations: (1) The economic strength of the state's agriculture depends on the profitability of the crops grown and marketed and (2) a profitable farming industry is conditioned on the conservation of our soil, water, and air resources.

CHAPTER 408, STATUTES OF 1986.

- o **SCR 30 (Vuich)** would have proclaimed the week of March 17 through March 23, 1985 as "National Agriculture Week" and

March 20, 1985 as "Agriculture Day". This resolution would have recognized the substantial contributions agriculture makes to the state's overall economy and that California is the leading farm state in the country.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **SJR 40 (Torres)** calls upon the President and Congress to refrain from using food embargoes against unfriendly nations because American agriculture is dependent upon healthy export markets. This resolution states the federal government's food embargoes have placed a disproportionate burden on our agricultural sector and have typically proven to be ineffective foreign policy weapons.

RESOLUTION CHAPTER 63, STATUTES OF THE 1986.

IV. LIVESTOCK

- o **AB 185 (Seastrand)** requires that cattle brand owners registered with the California Department of Food and Agriculture (CDFA) pay a \$25 reinstatement fee for suspended brands in addition to the existing \$50 reinstatement fee. Additionally, this bill defines "inedible kitchen grease" and "transportation of inedible kitchen grease". The measure requires specified documentation by licensed renderers and transporters of the grease, and requires transporters to maintain records and register with CDFA for a fee of \$100 annually.

CHAPTER 699, STATUTES OF 1985.

- o **AB 270 (N. Waters)** makes any person who moves or transports any animal in violation of the branding, movement, or transportation provisions of CDFA's Bureau of Livestock Identification, liable for a civil penalty in the amount of any expenses related to investigating, prosecuting, and returning the animals that were unlawfully transported. The measure establishes a procedure, including a public hearing, for imposing penalties. Any penalties collected would be deposited in the Food and Agriculture Fund.

CHAPTER 644, STATUTES OF 1985.

- o **AB 400 (Condit)** conforms the California Beef Council law to the federal Beef Promotion and Research Act of 1985.

Specifically, the bill caps the \$1 per head fee on cattle and calves, unless exempted, for beef promotion and research as long as the federal law is operative. AB 400 also authorizes the Attorney General to sue to enforce compliance with the Beef Council law, including the payment of fees overdue.

CHAPTER 265, STATUTES OF 1986.

- o **AB 1345 (Cortese)** would have required CDFA, in cooperation with the University of California, to conduct a study on cattle condemnation rates, and to report its findings to the Legislature.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 2790 (Statham)** authorizes CDFA's Bureau of Livestock Identification to waive a brand inspection and to issue a permit to transport cattle across state lines. The permit is restricted to cattle transported which do not change ownership and travel a distance not to exceed 50 miles. Additionally, AB 2790 authorizes CDFA to revoke a permit and require brand inspection.

CHAPTER 237, STATUTES OF 1986.

- o **AB 3892 (N. Waters)** abolishes a duplicative license and bonding requirement for slaughterhouses by CDFA's Livestock Identification branch. In its place, slaughtering operations

have to be issued an inspection grant by USDA's Food Safety and Inspection Service.

CHAPTER 828, STATUTES OF 1986.

- o **SB 2045 (Vuich)** removes the sunset clause and makes permanent the modified point-of-origin cattle brand inspection program, certain brand inspection fees which CDFA may raise or lower within specific limits, and a permit process for moving cattle short distances.

CHAPTER 404, STATUTES OF 1986.

V. MARKET ENFORCEMENT

- o **AB 829 (Isenberg)** would have required the advisory committee to the Director of the California Department of Food and Agriculture (CDFA) regarding bargaining laws affecting agricultural cooperative bargaining associations and processors to elect a chairperson and vice-chairperson. The positions would have been filled on an alternating basis by the cooperatives and processors.

DIED ON THE SENATE FLOOR

- o **AB 1027 (Farr)** includes in the definition of "farm products" grape juice or must which has been crushed in the field or at a facility not owned by the purchasing vintner. This bill authorizes CDFA to intervene in cases where there is a dispute between a winegrape grower and a vintner over field crushed grapes.

CHAPTER 197, STATUTES OF 1986.

- o **AB 1605 (Jones)** continuously appropriates on a yearly basis \$100,000 from the Food and Agriculture Fund to the department for attorney fees incurred by its Bureau of Market Enforcement. The bill further stipulates that if the \$100,000 is exhausted, additional litigation expenses would be divided up by 20% coming from the Food and Ag Fund and the remaining 80% from the General Fund. These additional funds are only available when the Bureau is a defendant in a legal action relating to

its market enforcement activities on behalf of farmers against their processors. AB 1605 became necessary when the Bureau was unable to undertake numerous other cases because it had depleted available resources by accumulating a \$700,000 bill for only one case pending since 1982.

CHAPTER 1346, STATUTES OF 1986.

- o **AB 1654 (Areias)** clarifies existing law that the CDFA Director, upon a verified complaint, shall investigate, examine or inspect any transaction which involves the failure of a licensed processor to fulfill the terms of a contract with a producer to harvest the crop.

CHAPTER 970, STATUTES OF 1985.

- o **AB 2722 (N. Waters)** raises the maximum amount of fees for licenses issued to handlers and processors of farm products. This measure exempts seed handlers from these licensing requirements as long as they do not purchase seed from a farmer. It is estimated that AB 2722 will generate up to \$400,000 annually for the department's enforcement activities to protect producers' contractual agreements with processors.

CHAPTER 537, STATUTES OF 1986.

- o **AB 3897 (N. Waters)** takes existing market enforcement tools to protect producers that CDFA has against produce dealers and applies them to processors. The bill expands the department's authority to revoke a processor's, broker's, or commission

merchant's license for refusing to provide requested documents, to fine an unlicensed processor, and to investigate producer complaints when there is concern that a processor is financially unsound.

CHAPTER 942, STATUTES OF 1986.

VI. MARKETING

- o **AB 717 (Areias)** makes it a violation of the law for licensed processors and dealers to fail to collect and remit to the California Department of Food and Agriculture (CDFA) assessments for the Iceberg Lettuce Commission, the Kiwifruit Commission and the Pistachio Commission. It makes substantive changes in the administration, operation and termination of the Cherry Commission. The bill provides two options affected parties may pursue in order to terminate the Wheat Commission. AB 717 requires a court to issue a prejudgment or an injunction to any commission if an applicable statute or regulation is violated or if an assessment is not paid.

CHAPTER 1004, STATUTES OF 1985.

- o **AB 878 (Kelley)** authorizes the Cotton Pest Control Board and the Avocado Commission to collect and expend industry fees, now deposited in the Food and Agriculture Fund, for pest control and inspection programs. Any decision made by these agencies which results in any other department administering these adjustments would be required to do so by specified dates. Additionally, this measure defines the terms "producers" and "handlers" for the purposes of the Avocado Commission Law and requires that all producer lists be kept confidential.

CHAPTER 953, STATUTES OF 1985.

- o **AB 1354 (Herger)** requires commercial produce inspectors to register with the CDFA Director. The director shall set fees to cover the cost of administering the program, and require inspectors to keep written reports on all transactions and make them available to the director upon request. The measure also allows the director to investigate complaints, hold hearings, cancel or suspend registrations, and assess penalties.

CHAPTER 1039, STATUTES OF 1985.

- o **AB 2050 (McAlister)** creates the California Sheep Commission within CDFA to enhance the marketing of sheep, lambs, and wool. The commission would be established upon the approval of a referendum vote of sheep producers and would be structured similar to already existing commodity promotion commissions.

CHAPTER 1102, STATUTES OF 1985.

- o **AB 2795 (Kelley)** simply extends the "sunset" date until 1/1/92 of the provisions requiring the California Avocado Commission to collect and disseminate avocado market price information.

CHAPTER 389, STATUTES OF 1986.

- o **AB 2799 (Costa)** would have required walnut, raisin, or prune processors to furnish tonnage purchase reports by 9/10 of each year to CDFA. The bill would have also required processors to furnish preliminary information by 3/15 and CDFA would have had to publish a preliminary report annually by 5/1. Failure

to furnish the material to CDFA would have been punishable by a misdemeanor.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 2959 (Costa)** would have authorized the California Kiwifruit Commission to collect and disseminate crop volume statistics and handler F.O.B. market price information, while protecting the handler's confidentiality.

DIED IN THE SENATE AGRICULTURE AND WATER RESOURCES COMMITTEE.

- o **AB 3067 (Seastrand)** makes a number of changes in market order voting procedures. Current law only provides processors with the assent voting method. This bill gives processors the same two options afforded producers to approve/disapprove marketing orders which are either by written assent or referendum.

CHAPTER 677, STATUTES OF 1986.

- o **AB 3257 (Jones)** expands the number of pistachio growers eligible to vote on a California Pistachio Commission referendum to include those growers whose first crop is harvested this season. These same non-bearing growers are eligible to sign nomination petitions for commission nominees.

CHAPTER 391, STATUTES OF 1986.

- o **AB 3490 (Rogers)** would have made numerous revisions relating to the California Navel Orange Commission law. The bill would have required that the 6 cooperative producer members of the

12 producer members on the commission be selected from the handler representing 50% or more of the volume for the previous season. The bill also proposed to make changes including how to calculate the brand credit and would have changed the date for the producer referendum from 10/1/87 to 10/1/91.

DIED IN THE SENATE APPROPRIATIONS COMMITTEE.

- o **AB 3884 (Kelley)** makes changes to protect the confidentiality of grower and handler lists developed for various marketing order voting. Specifically, the bill repeals the requirement that these lists be part of a public hearing record and, instead, requires CDFA to present testimony regarding the methodology it used to develop these lists.

CHAPTER 319, STATUTES OF 1986.

- o **AB 4262 (N. Waters)** creates, subject to vintner approval, the California Wine Commission and also the California Winegrape Growers Commission, subject to grower approval. Each commission is separately authorized to engage in market research and development to promote the sale of California's wine and wine-related products. (90% of the nation's winegrapes are grown in California.) CDFA is required to conduct a referendum to implement either commission by 4/1/87; either commission does not become operative unless ratified. Both commissions are authorized to levy an assessment up to 1% of the crop's dollar value; and the Wine Commission is given

the option of exceeding that cap if another amount is approved by 2/3 of its commission members. Lastly, CDFA is granted veto power over any outside, private contract either commission might want to execute but must hold a public hearing and provide written explanation for its ultimate decision.

CHAPTER 1287, STATUTES OF 1986.

- o **AJR 47 (N. Waters)** memorializes California's Congressional delegation to support the continuation of a federal program which will maintain the limited, but healthy, sugar industry in California.

RESOLUTIONS CHAPTER 48, STATUTES OF 1985.

- o **SB 81 (Mello)** codifies existing marketing order law language regarding price posting for strawberries. The bill specifies that a clearly articulated state policy and active state supervision must accompany the price posting provision of policy affecting processed strawberries.

CHAPTER 18, STATUTES OF 1985.

- o **SB 271 (Maddy)** relates to unpaid assessment fees to agricultural marketing orders pursuant to the California Marketing Act of 1937 and the Agricultural Producers' Marketing Law. This measure provides the CDFA Director with an administrative procedure for making deficiency determinations to resolve delinquent accounts and provides

an administrative redetermination (review) process for the delinquent handler. SB 271 allows for a court process so that the director may initiate, when necessary, court action to resolve delinquent bills and allows for an appeal process for handlers.

CHAPTER 565, STATUTES OF 1985.

- o **SB 451 (Vuich)** allows marketing order boards to participate in activities designed to modify or remove trade barriers from domestic markets as well as from foreign markets.

CHAPTER 589, STATUTES OF 1985.

- o **SB 2048 (Dills)** creates, by referendum, the Winegrowers of California Commission, to be composed of 18 producers, 18 vintners, and the option of a public member. The producer members and their alternates are to be selected by designated district elections and the vintner members elected by the industry at large. The commission, whose purposes are to be engaging in domestic and foreign market development and research and consumer education, has similar powers, penalties, assessment methods, and recordkeeping requirements as those for other established commodity commissions. The one significant difference is that CDFA has veto authority over commission fund transfers to industry trade organizations. The commission sunsets on 6/30/92 unless there is a favorable referendum and would subsequently be subject to a referendum every 5th year thereafter. Lastly, SB 2048 would only become

operative if AB 4262 is chaptered. (AB 4262 creates separate winegrape grower and vintner commissions).

CHAPTER 1286, STATUTES OF 1986.

- o **SB 2134 (Vuich)** clarifies CDFA's authority to establish minimum quality and maturity standards for fruits, nuts, and vegetables to apply not just to California grown fresh produce but also to those crops grown outside the state. These standards assure these products' acceptability to consumers.

CHAPTER 145, STATUTES OF 1986.

VII. PEST ERADICATION AND CONTROL

- o **AB 317 (Hauser)** would have required the California Department of Food and Agriculture (CDFA) to implement a seven-year apple maggot eradication program and would have appropriated \$15.2 million for this purpose.

DIED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

- o **AB 318 (Hauser)** would have directed CDFA to attempt to enter into a cooperative agreement with Oregon to prevent further apple maggot infestations in California. \$1.4 million would have been appropriated and divided up evenly over 7 fiscal years.

DIED IN THE ASSEMBLY WAYS AND MEANS COMMITTEE.

- o **AB 946 (Herger)** broadens CDFA's authority to reject plant shipments entering California. This bill permits the department to destroy plant shipments when there is reasonable cause to presume that they are infested, even though a quarantine has not been established.

CHAPTER 67, STATUTES OF 1986.

- o **AB 1525 (N. Waters)** establishes "fast track" court review for agricultural pest eradication lawsuits against the state. The bill also clarifies legislative intent for the "reasonably certain" standard for pesticide use and registration. It further states that an Environmental Impact Review is not

necessary for pest eradication programs because sufficient environmental review is built into the state's pesticide regulatory process. This legislation is in response to court decisions in Santa Cruz and Mendocino counties which respectively halted the gypsy moth and apple maggot projects.

CHAPTER 1282, STATUTES OF 1985.

- o **AB 1833 (N. Waters)** is technical, cleanup legislation to AB 1525, Chapter 1282 in 1985, which established expedited procedures for judicial challenges of CDFA's pest eradication programs. AB 1833 limits the streamlined courtroom procedures to pest eradication, not pest control, programs. These procedures supersede general procedures for issuing a writ of mandate.

CHAPTER 20, STATUTES OF 1986.

- o **AB 2579 (Hauser)** would have made a number of changes in the department's notification procedures for pest eradication programs. Specifically, the bill would have required CDFA to notify physicians and residents within a 1/4 mile of any home to be sprayed with pesticides used in an eradication project. AB 2579 would have mandated CDFA to implement a pesticide-free alternative program for residents opposed to pesticides.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 3243 (Mojonnier)** makes it a crime to produce, propagate, harvest, possess, sell, or distribute the non-native aquatic

weed hydrilla. Hydrilla -- a noxious, prolific pest -- is a serious environmental and agricultural pest which chokes fish by limiting their oxygen supply and clogs waterways causing major maintenance problems. The bill further requires CDFA to conduct an ongoing hydrilla survey and detection program with eradication the goal, when feasible. Additionally, CDFA's quarantine authority is expanded to include properties within a 5-mile radius of any pest infestation.

CHAPTER 752, STATUTES OF 1986.

- o **AJR 6 (Herger)** would have requested the U.S. Department of Agriculture (USDA) to take the lead role in eradicating the gypsy moth in Oregon.

DIED IN THE ASSEMBLY RULES COMMITTEE.

- o **SB 354 (Doolittle)** appropriates \$600,000 from the General Fund to CDFA for the apple maggot eradication program. Additionally, CDFA is directed to submit status reports to the Legislature on the eradication efforts.

CHAPTER 228, STATUTES OF 1985.

- o **SB 651 (Nielsen)** appropriates \$667,000 from the General Fund to CDFA over two fiscal years to eradicate the prolific, noxious weed hydrilla which has infested Spring Lake in Sonoma County. By December 1, 1985, the department must report to

the Legislature on the criteria it intends to use when undertaking future hydrilla eradication projects and, secondly, non-General Fund sources for subsequent efforts.

CHAPTER 435, STATUTES OF 1985.

- o **SB 1675 (Doolittle)** changes the statutorily-designated terminology for gypsy moth quarantine areas from "designated high/risk" to a "regulated" area. This bill is necessary, for enforcement purposes, to parallel state law with recent changes in the USDA gypsy moth quarantine program, which has stymied further spread of this serious forest and agricultural pest.

CHAPTER 468, STATUTES OF 1986.

- o **SJR 41 (Bergeson)** requests the President and Congress to approve USDA's Animal and Plant Health Inspection Service's \$10 million budget appropriation for fiscal year 1987-88 to continue its Mediterranean fruit fly eradication program in Mexico and Guatemala. This eradication effort represents the first line-of-defense to keep this devastating pest out of California.

RESOLUTION CHAPTER 47, STATUTES OF 1986.

VIII. PESTICIDE-RELATED PENALTIES

- o **AB 217 (Kelley)** would have established civil penalties levied by the California Department of Food and Agriculture (CDFA) for pesticide-related violations committed by various licensees. It would have set the monetary penalties for both pesticide manufacturers and dealers and agricultural pest control operators to range from \$250 to \$2,500 per violation. AB 217 would have also pegged the monetary penalties for both pest control advisors and cropdusters from \$100 to \$1,000 per violation.

DIED ON THE SENATE FLOOR.

- o **AB 1026 (Herger)**, in response to the catastrophic 1985 watermelon contamination recall, substantially increases both criminal and civil penalties for pesticide use violations. The criminal penalties for negligent acts are increased for a first offense to range from \$500 to \$5,000, and for subsequent violations this fine ranges from \$1,000 to \$10,000. In addition to the fine, violators are also subject to imprisonment up to 6 months. For intentional violations resulting in a health hazard, environmental damage, or disruption to the farm marketplace, the criminal fine jumps to the \$5,000 to \$50,000 range and the jail term up to 1 year, or both the fine and imprisonment. Additionally, the responsible person is civilly liable for up to \$10,000 per violation. The civil penalty escalates \$25,000 for subsequent violations

or for intentional violations resulting in a health risk, environmental damage, or market disruption. Any civil penalties collected are deposited in the Food and Ag Fund for the department to use administering the pesticide use and enforcement program.

CHAPTER 1404, STATUTES OF 1985.

- o **AB 1614 (Farr)** extends the county agricultural commissioners' authority to levy civil penalties up to \$500/violation against agricultural pest control operators. It provides the fined individual with an appeal procedure to the director. The director is required to develop regulations to guide the commissioners with the appropriate fine levels for various violations, including higher fines for violations affecting people's health and safety.

CHAPTER 943, STATUTES OF 1985.

- o **AB 2447 (Jones)** would have changed the \$40 maximum annual registration fee and \$5 late registration renewal penalty for all pesticides.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 3115 (Wright)** authorizes CDFA, after a "due process" hearing, to refuse, revoke, or suspend a pesticide dealer's license for violations. Similar power exists for handling

violators who are pest control operators or advisors and cropdusters.

CHAPTER 744, STATUTES OF 1986.

- o **AB 3728 (Herger)** is a cleanup measure to AB 1026, Chapter 1404 in 1985, which increased penalties for illegal pesticide use. The bill clarifies that CDFA must make a formal finding that pesticides have been illegally applied before it can destroy the crop. This has the effect of placing the burden of proof on the department not on the farmer.

CHAPTER 697, STATUTES OF 1986.

IX. PESTICIDES AND HEALTH MONITORING

- o **AB 1397 (Jones)** appropriates \$210,571 to the California Department of Food and Agriculture (CDFA) to monitor all raw farm produce, whether it is destined to be processed or sold fresh. (Previously, the Department of Health Services (DHS) was responsible for monitoring raw produce destined for processing.) This bill establishes a "paper trail" to assure that adulterated food destined for processing is either reconditioned or disposed of. DHS is to prepare a list of those pesticides most likely to leave residues in processed foodstuffs.

CHAPTER 1285, STATUTES OF 1985.

- o **AB 2021 (Connelly)** establishes a comprehensive groundwater management program, administered by CDFA, to protect the groundwaters of the state from becoming polluted by agricultural chemicals. Chemical companies are required to fill data gaps containing information as to a pesticide's water solubility, soil absorption, hydrolysis and soil half-life. These companies are liable to pay civil penalties of up to \$10,000/day for failing to fill data gaps within specified time frames. The bill provides triggers for a pesticide's cancellation or restricted use. Cancellation would not occur if it will cause severe economic hardship on agriculture and a level of pollution will not occur that significantly diminishes the safety margin for adverse health

effects. If, however, the pesticide is carcinogenic, mutagenic, teratogenic or neurotoxic, it must be cancelled after two years if it is found to pollute groundwater. CDFA is to establish the following: (1) a soil and groundwater monitoring program to develop field data on the mobility and persistence of pesticides and (2) a model program to collect well water monitoring data for all agencies that test groundwater for pesticides.

CHAPTER 1298, STATUTES OF 1985.

- o **AB 2426 (Johnston)** extends the CDFA Director's authority to regulate dilute fertilizer solutions. These dilute fertilizer solutions shall contain only low levels of plant nutrients, like nitrogen.

CHAPTER 686, STATUTES OF 1985.

- o **AB 2964 (Kelley)** will provide CDFA with the means to expeditiously test an increased amount of pesticide residue samples in emergency situations. The bill establishes guidelines for certifying commercial labs and authorizes the department to conduct unannounced on-site lab inspections and to refuse to accredit or suspend accreditation. Lastly, AB 2964 mandates that accredited lab analysis data be confirmed by CDFA lab tests prior to any official regulatory action is taken. This bill is a product of last year's recall

of aldicarb-contaminated watermelons which exemplified the limits of the CDFA labs' capacity.

CHAPTER 782, STATUTES OF 1986

- o **AB 2976 (N. Waters)** would have required food importers to certify that all foreign-produced farm products sold to public schools and state facilities meet existing federal health and safety standards, such as pesticide residue tolerances. To provide a paper trail, public school and state purchasing agents would have been required to retain certificates signed by the importer for at least one year. AB 2976 would have imposed administrative fines for violations committed by any food importers. The authority for the certification program was to be divided up, according to historical precedence, between CDFA, which is responsible for raw imported food, and the Department of Health Services (DHS), for processed foodstuffs. The bill would have appropriated half-year funding, amounting to \$75,000 to CDFA and \$115,000 to DHS, to conduct limited statewide inspections to verify compliance.

VETOED BY THE GOVERNOR.

- o **AB 3036 (Rogers)** would have authorized CDFA to develop a computerized method of filing pesticide-use notices of intent with the county agricultural commissioner and required the department to furnish a feasibility study to the Legislature by 7/1/87.

DIED IN THE SENATE AGRICULTURE AND WATER RESOURCES COMMITTEE.

- o **AB 3041 (N. Waters)** makes three statutory changes:
(1) authorizes CDFA to promulgate emergency pesticide regulations consistent with the Office of Administrative Law procedures, (2) adds wood-fly ash to the newly-created "low analysis specialty" fertilizer category, and (3) creates the Agricultural Export Promotion Account within CDFA to be continuously appropriated from private industry funds for farm export promotional activities conducted by the department.

CHAPTER 932, STATUTES OF 1986.

- o **AB 3059 (Johnston)** would have authorized a marketing order advisory board, which expends research dollars for public health and environmental studies necessary for a pesticide's registration, to recover these costs plus interest. This bill would have provided interested boards with a means of recouping their out-of-pocket costs to conduct required EPA studies from the eventual pesticide registrant.

DIED IN THE SENATE AGRICULTURE AND WATER RESOURCES COMMITTEE.

- o **AB 3128 (Tanner)** increases annual pesticide registration fees from \$40 to \$200 and a variety of pesticide applicators licensing fees. Additionally, exam fees are established for persons applying for certification to apply pesticides. The department estimates an annual \$1.5 million worth of revenue from registration fees and another \$700,000 from license fees.

This revenue is deposited into the Food and Ag Fund to maintain CDFA's current level of enforcement activities.

CHAPTER 503, STATUTES OF 1986.

- o **AB 3812 (Connelly)** would have made technical changes in the laws pertaining to CDFA's authority to collect pesticide registration fees and suspend an economic poison's registration.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **AB 4139 (Connelly)** would have required CDFA to completely reevaluate a pesticide's health and safety effects if the chemical's label is amended. The bill would have directed the department to develop a "feasible pest control alternative" program, such as biological controls, and prohibit the registration of a pesticide if a feasible pest control alternative exists.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

- o **SB 269 (Petrís)** would have mandated additional field posting signs, in both English and Spanish, for Category 1 pesticides which are applied on labor-intensive crops that have a worker safety reentry interval in excess of 24 hours. (Current law requires such sign posting for all crops which have a reentry interval in excess of seven days.) Posted signs would have had to be removed before employees could reenter fields.

Signs would have been required to be posted at each corner of the treated area and the normal entry points into the field.

VETOED BY THE GOVERNOR.

- o **SB 1014 (Doolittle)** makes a technical adjustment to make CDFA's emergency rulemaking procedures consistent with the Office of Administrative Law's (OAL) requirements. This bill deletes the requirement that CDFA conduct an investigation and hearing prior to promulgating such pesticide regulations. (OAL's existing procedures for all state agencies' emergency rules call for a public hearing and policy review within six months of the adoption of the emergency regulations.)

CHAPTER 256, STATUTES OF 1985.

- o **SB 1046 (Torres)** expands CDFA's authority to cancel a pesticide's registration when a registrant fails to report an adverse effect or risk to humans, livestock, crops, or the environment. This bill mirrors CDFA regulations.

CHAPTER 1234, STATUTES OF 1986.

- o **SB 1047 (Torres)** requires warning signs in both English and Spanish to be immediately posted when pesticides, having reentry intervals exceeding 24 hours, have been applied to parks, schools or other public areas wherever public exposure is likely. This bill expressly states it is a misdemeanor to order an employee into a posted area in violation of the safe

pesticide reentry interval level; this violation would apply to all posted areas, including parks and agricultural fields.

CHAPTER 840, STATUTES OF 1985.

- o **SB 1703 (Torres)** would have codified CDFA's existing regulatory policy by prohibiting the importation of foreign fresh and processed farm products: (1) containing residue of a pesticide banned or not registered in California in compliance with state or federal tolerances, (2) not registered for a particular crop, or (3) for which there is no established federal or state tolerances, such as EDB-treated Caribbean mangos. The bill would have also required CDFA and the Department of Health Services to annually report to the Legislature on their disposition of imported farm products containing illegal pesticide residues.

VETOED BY THE GOVERNOR.

- o **SB 1889 (Hart)** codifies CDFA's policy regarding releasing information about crops found with illegal pesticide residues. The bill requires CDFA: (1) to annually publicize the results of its pesticide residue monitoring program, (2) to disclose the disposition of crops containing illegal residues and the county in which the violation occurred, and (3) to file the tolerance data sheets with the county agricultural commissioner.

CHAPTER 1375, STATUTES OF 1986.

- o SB 2160 (Mello) would have prohibited liquor, beer, and wine importers from shipping wine and grape concentrate for wine making into California unless the importer certifies that the wine product meets existing federal/state health and safety standards. This bill's impetus is the recall of Austrian, German, and Italian wine tainted with diethylene steryl, a chemical found in antifreeze. SB 2160 stipulated that the certificate, developed by the Department of Health Services (DHS), shall be retained by the Department of Alcoholic Beverage Control licensee for 3 years and available upon demand. The Department of Alcoholic Beverage Control was to be authorized to suspend or revoke licensee's permits for violating this chapter. DHS would have been appropriated \$125,000 to carry out mandated periodic sampling of imported wines and there would have been legislative intent language directing DHS to make the imported wine certification program an ongoing function.

VETOED BY THE GOVERNOR.

- o SB 2526 (Craven) would have increased the annual fee for each economic poison product submitted for registration from \$40 to \$100.

DIED IN THE ASSEMBLY AGRICULTURE COMMITTEE.

X. I N D E X

<u>Bill # & Author</u>	<u>Page</u>
AB 185 (Seastrand).....	31
AB 205 (Peace).....	9
AB 217 (Kelley).....	48
AB 226 (Condit).....	15
AB 270 (N. Waters).....	31
AB 273 (Jones).....	1
AB 301 (Kelley).....	1
AB 317 (Hauser).....	44
AB 318 (Hauser).....	44
AB 400 (Condit).....	31
AB 422 (N. Waters).....	1
AB 427 (Seastrand).....	15
AB 491 (Duffy).....	15
AB 585 (Kelley).....	16
AB 717 (Areias).....	37
AB 754 (Mojonnier).....	16
AB 829 (Isenberg).....	34
AB 872 (Costa).....	16
AB 878 (Kelley).....	37
AB 946 (Herger).....	44
AB 1010 (N. Waters).....	17
AB 1026 (Herger).....	48
AB 1027 (Farr).....	34
AB 1063 (Bader).....	2
AB 1107 (Campbell).....	17
AB 1116 (Condit).....	2
AB 1345 (Cortese).....	32
AB 1354 (Herger).....	38
AB 1376 (N. Waters).....	9
AB 1397 (Jones).....	51
AB 1511 (N. Waters).....	18
AB 1512 (N. Waters).....	18
AB 1525 (N. Waters).....	44
AB 1594 (N. Waters).....	18
AB 1605 (Jones).....	34
AB 1614 (Farr).....	49
AB 1627 (N. Waters).....	19
AB 1630 (Farr).....	19
AB 1654 (Areias).....	35
AB 1833 (N. Waters).....	45
AB 1890 (N. Waters).....	10
AB 2021 (Connelly).....	51
AB 2047 (Eaves).....	2

Bill # & AuthorPage

AB 2050	(McAlister)	38
AB 2426	(Johnston)	52
AB 2447	(Jones)	49
AB 2493	(Costa)	19
AB 2495	(Costa)	20
AB 2572	(N. Waters)	20
AB 2579	(Hauser)	45
AB 2581	(N. Waters)	11
AB 2582	(Mountjoy)	3
AB 2676	(Jones)	3
AB 2722	(N. Waters)	35
AB 2775	(N. Waters)	21
AB 2790	(Statham)	32
AB 2795	(Kelley)	38
AB 2799	(Costa)	38
AB 2959	(Costa)	39
AB 2964	(Kelley)	52
AB 2976	(N. Waters)	53
AB 3036	(Rogers)	53
AB 3041	(N. Waters)	54
AB 3059	(Johnston)	54
AB 3067	(Seastrand)	39
AB 3097	(Jones)	3
AB 3098	(Jones)	21
AB 3105	(Bader)	4
AB 3115	(Wright)	49
AB 3128	(Tanner)	54
AB 3182	(N. Waters)	4
AB 3243	(Mojonnier)	45
AB 3257	(Jones)	39
AB 3435	(N. Waters)	21
AB 3490	(Rogers)	39
AB 3530	(N. Waters)	22
AB 3548	(Kelley)	22
AB 3591	(Jones)	22
AB 3664	(Seastrand)	23
AB 3728	(Herger)	50
AB 3812	(Connelly)	55
AB 3884	(Kelley)	40
AB 3892	(N. Waters)	32
AB 3897	(N. Waters)	35
AB 4022	(N. Waters)	11
AB 4024	(N. Waters)	12
AB 4031	(Condit)	23
AB 4068	(Areias)	23
AB 4139	(Connelly)	55
AB 4213	(Filante)	24
AB 4215	(W. Brown)	24

Bill # & AuthorPage

AB 4255	(Duffy)	12
AB 4261	(W. Brown)	24
AB 4262	(N. Waters)	40
AB 4285	(Kelley)	25
AB 4324	(N. Waters)	4
AB 4414	(Connelly)	5
ACR 10	(Condit)	25
AJR 6	(Herger)	46
AJR 19	(N. Waters)	25
AJR 47	(N. Waters)	41
AJR 49	(Bader)	12
AJR 90	(Condit)	26
SB 81	(Mello)	41
SB 114	(Ayala)	5
SB 151	(Stiern)	5
SB 207	(L. Greene)	13
SB 269	(Petrís)	55
SB 271	(Maddy)	41
SB 354	(Doolittle)	46
SB 451	(Vuich)	42
SB 464	(Vuich)	26
SB 647	(L. Greene)	13
SB 651	(Nielsen)	46
SB 780	(Stiern)	26
SB 859	(Torres)	6
SB 872	(Petrís)	27
SB 1014	(Doolittle)	56
SB 1046	(Torres)	56
SB 1047	(Torres)	56
SB 1244	(Stiern)	27
SB 1544	(Ayala)	7
SB 1594	(McCorquodale)	7
SB 1665	(Stiern)	7
SB 1675	(Doolittle)	47
SB 1703	(Torres)	57
SB 1864	(Roberti)	13
SB 1889	(Hart)	57
SB 1964	(Bergeson)	7
SB 2001	(Robbins)	14
SB 2044	(Vuich)	28
SB 2045	(Vuich)	33
SB 2048	(Dills)	42
SB 2110	(McCorquodale)	28
SB 2134	(Vuich)	43
SB 2160	(Mello)	58
SB 2239	(Vuich)	8
SB 2357	(McCorquodale)	29
SB 2416	(Garamendi)	29

<u>Bill # & Author</u>	<u>Page</u>
SB 2526 (Craven).....	58
SCR 30 (Vuich).....	29
SJR 40 (Torres).....	30
SJR 41 (Bergeson).....	47